



3-10-04

~~DAE~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lluís Hierro et al.

RECEIVED

Application No.: 09/915,739

MAR 11 2004

Filed: July 26, 2001

OFFICE OF PETITIONS

For: ROLLER ELEMENT FOR HARDCOPY APPARATUS

Examiner Not Yet Assigned

Art Unit: 3651

Confirmation No.: 7884

Customer No.: 27,623

Attorney Docket: 60003207-2

Mail Stop Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Office of Petitions

**PETITION FOR REVIVAL OF PATENT APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Dear Sir:

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts dated September 4, 2001, which set a period of two months within which to file all required items and pay any fees required to avoid abandonment. The abandonment date of this application is November 4, 2001.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue Fee;

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- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$665.00 (37 CFR §1.17(m))
☐ Small entity statement enclosed herewith.
☐ Small entity statement previously filed.

☒ Other than small entity - fee \$1,330.00 (37 C.F.R. §1.17(m))

2. Reply and/or Fee

A. The reply signed Declaration and late filing fee to the above-noted Office Action in the form of _____ (identify type of reply):
_____ has been filed previously on _____.
☒ are enclosed herewith.

B. A firm check for \$1460.00 covering the following fees:

- (1) \$ 130.00 Late filing Fee
- (2) \$ 1,330.00 petition fee.

_____ has been paid previously on _____
☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$ _____ for a small entity or \$ _____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Where a petition under 37 CFR 1.137(b) is filed:

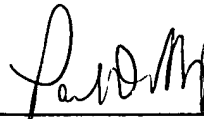
(1) more than three months from the date the applicant is first notified that the application is abandoned, explain (on an attached sheet) in detail the cause of the delay in filing the petition;

(2) more than one year from the date of abandonment, explain (on an attached sheet) in detail how the delay in discovering the abandoned status occurred and indicate the date that applicant first became aware of the date of abandonment.

XXX The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or credit any overpayment, to **Deposit Account No. 08-2025**. A duplicate copy of this Form is enclosed.

March 9, 2004

Date



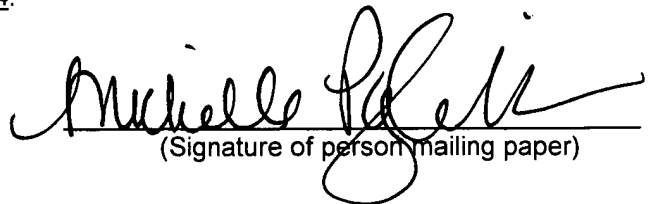
Paul D. Greeley
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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Certificate No. **EV 369610265 US**, service under 37 CFR §1.10 and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attention: Office of Petitions on March 9, 2004.

Michelle Pagliarulo

(Typed name of person mailing paper)



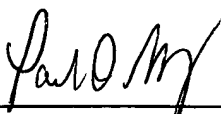
(Signature of person mailing paper)



**STATEMENT ACCOMPANYING A PETITION TO REVIVE APPLICATION
SERIAL NO. 09/915,739 UNDER 37 CFR 1.137(b)**

Applicants' assignee, Hewlett-Packard Company, hereafter HP, first became aware of the abandonment of the above-identified application on November 3, 2003 upon receipt of the Notice of Abandonment dated October 28, 2003. By November 13, 2003, HP reviewed its files and determined that the Notice of Missing Parts had been sent to the wrong attorneys in 2001. On November 13, 2003 the undersigned attorney counseled HP that a copy of the Notice of Missing Parts would be needed to prepare a Petition to revive. On November 26, 2003 HP informed the undersigned attorney that two relevant Japanese patent documents were being translated. On February 13, 2004, HP's in-house attorney advised that it had taken longer than expected to obtain the translations of the Japanese patent documents and requested the undersigned attorney to file the Petition to Revive. On February 18, 2004, the undersigned attorney requested HP to furnish copies of the Notice of Missing Parts and the signed Declaration. On February 25, 2004, copies of the translations, the Notice of Missing Parts and the signed Declarations were received by the undersigned attorney from HP.

March 9, 2004
Date



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